

EXHIBIT 1

DECLARATION OF LISA ALTENDORFER IN SUPPORT OF DEFENDANT AFSCME COUNCIL 5'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

MARCUS TODD,

Plaintiff,

v.

AMERICAN FEDERATION OF
STATE, COUNTY, AND
MUNICIPAL EMPLOYEES,
COUNCIL 5,

Defendant.

Case No. 0:21-cv-00637-SRN-ECW

Hon. Susan R. Nelson, U.S.D.J.
Hon. Elizabeth Cowan Wright,
U.S.M.J.

**DECLARATION OF LISA ALTENDORFER IN SUPPORT OF
DEFENDANT AFSCME COUNCIL 5'S MOTION TO DISMISS
PLAINTIFF'S COMPLAINT**

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I, Lisa Altendorfer, hereby declare:

1. I am the IT and Building Resource Manager of American Federation of State, County, and Municipal Employees, Council 5 (“Council 5” or “Union”). I have had this position since 2009, and I have worked for Council 5 since 2002. My responsibilities include overseeing Council 5’s membership database (UnionWare) and sending and receiving information regarding members’ dues deductions to and from employers that have a collective-bargaining relationship with Council 5, including the State of Minnesota. I am over the age of 18 and competent to testify, and make this declaration based on personal knowledge of the facts stated herein.
2. Attached as Exhibit A is a true and correct copy of a June 20, 2018 revised membership application in Mr. Todd’s name, contained in Council 5’s membership database. The agreement contains an electronic signature that was executed through Council 5’s MemberLink online portal.
3. Pursuant to the terms of the dues-deduction authorization in the revised membership agreement attached as Exhibit A, Marcus Todd’s opt-out window to revoke his dues-deduction authorization ran from May 6 to May 21 of each year (which is 30 to 45 days before the June 20 annual anniversary date). I was informed that Council 5 has treated Mr. Todd’s lawsuit against Council 5, filed on March 5, 2021, in the United States District Court for the District of Minnesota, as a continuing request to revoke his dues-deduction authorization.

4. In order for Mr. Todd's revocation of his dues-deduction authorization to take effect, I logged into the State of Minnesota's payroll database (known as SEMA4) and filled out a field to ensure that Mr. Todd's dues deductions would end on April 27, 2021. Ending Mr. Todd's dues deductions on April 27, 2021 was necessary to ensure that no dues would be deducted from Mr. Todd's May 7, 2021 paycheck (which covers the pay period from April 14-27, 2021). Mr. Todd's May 7, 2021 paycheck will be the first paycheck that he receives during the opt-out window in the revised membership agreement. Attached as Exhibit B is a screenshot that I took of the SEMA4 entry for Mr. Todd showing that his dues deductions were terminated on April 26, 2021.
5. After every pay period, the State of Minnesota sends the Union a file that includes each state employee for whom union dues were deducted during that pay period, along with the amount of dues deducted. On May 5, 2021, we received the file for the pay period ending April 27, 2021. Our Membership Department uploaded that file to our UnionWare database, which is how, in the regular course of business, the Union keeps track of which state employees had dues deducted during each pay period and the amount of those deductions. Attached as Exhibit C is a screenshot that I took confirming that the April 27, 2021 pay-period file that Council 5 received from the State was imported into UnionWare and that the entries in that file were matched to each member's entry in UnionWare.
6. After the April 27, 2021 pay-period file from the State was imported into UnionWare, I ran a member finance report for Marcus Todd from April 1 to May

31, 2021. A screenshot that I took of that report is attached as Exhibit D. If union dues had been deducted from Mr. Todd's paycheck on May 7, 2021, there would have been an entry dated April 27, 2021 for \$29.06. There is no such entry. This confirms that Mr. Todd's dues deductions have ended.

7. Under the policy of AFSCME Council 5, no union dues or other union payments could be deducted from Mr. Todd's DHS paychecks in the future unless he voluntarily authorizes the deductions in a new membership application.

I declare under penalty of perjury under the laws of the United States and the State of Minnesota that the foregoing is true and correct.

Signed this 6th day of May 2021 at South St Paul, Minnesota.



Lisa Altendorfer

A handwritten signature in blue ink, appearing to read "Lisa Altendorfer". Below the signature, the name "Lisa Altendorfer" is printed in a smaller, sans-serif font.

EXHIBIT A

TO ALTENDORFER DECLARATION

Moisten Here and Seal Shut to Return

Welcome to AFSCME Council 5!**001000****A Join our Union! Become an AFSCME member with Dues Authorization**

| | | | |
|---------------------------|------------------------|------------------|---------------------------------------|
| TODD | MARCUS | FISHER | STATE |
| Last 520 SIOUX LN | First SAINT PETER | Middle 56082 | Employer SECURITY COUNSELOR |
| Address (507) 459-9431 | City (507) 985-2509 | ST Cell Phone | Job Title |
| Home Phone | Work Phone | | |
| Home Email | | Work Email | |

By providing my phone number, I understand that AFSCME and its affiliates may use automated calling technologies and/or text message me on my cell phone on a periodic basis. Carrier message and data rates may apply to such texts. You will receive approximately 5 messages each month.

I hereby request membership with and authorize Minnesota AFSCME Council 5 to represent me for the purpose of collective bargaining with my employer and to negotiate and conclude all agreements respecting wages, hours and other conditions of employment.

I recognize that my authorization of dues deductions, and the continuation of such authorization from one year to the next, is voluntary and not a condition of my employment.

Additionally, I hereby request and voluntarily authorize my employer to deduct from my wages an amount equal to the regular monthly dues applicable to members of Minnesota AFSCME Council 5, and further that such amount so deducted be sent to Minnesota AFSCME Council 5 for and on my behalf. This authorization shall remain in effect and shall be irrevocable unless I revoke it by sending written notice to both my employer and Minnesota AFSCME Council 5 during the period not less than thirty (30) and not more than forty-five (45) days before the annual anniversary date of this authorization. This authorization shall be automatically renewed as an irrevocable check-off year to year unless I revoke it in writing during the above described window period, irrespective of my membership in the Union.

The invalidity or unenforceability of any particular provision hereof shall not affect the other provisions, and this Agreement shall be construed in all respects as if such invalid or unenforceable provision were omitted. By submitting this form, it shows that I agree with the terms above.

20-Jun-2018

Date

B Elect our Bosses! Become a PEOPLE member

YES! I want to contribute to our political fund! As public workers, AFSCME members elect our bosses. My PEOPLE membership will help ensure we elect pro-worker politicians who will protect our benefits and pensions, and fight for working families across America.

I hereby authorize Minnesota AFSCME Council 5 to file this payroll deduction with my employer and authorize my employer and associated agencies to deduct each pay period the amount certified in the box provided as a voluntary contribution to AFSCME PEOPLE. Amounts so deducted are to be remitted within 30 days of the deduction to the office of Minnesota AFSCME Council 5 for transmittal to AFSCME PEOPLE, P.O. Box 65334, Washington, D.C. 20035-5334, to be used for the purpose of making political contributions and expenditures. My contribution is voluntary, and I understand that it is not required as a condition of membership in any organization, or as a condition of continued employment, and is free of reprisal. I understand that any contribution guideline is only a suggestion and I am free to contribute more or less than that amount and will not be favored or disadvantaged due to the amount of my contribution or refusal to contribute, and that I may revoke this authorization at any time by giving written notice to Minnesota AFSCME Council 5.

\$10 per pay period \$8 per pay period \$6 per pay period Other amount: _____ per pay period

Employee's Signature

20-Jun-2018

Date

In accordance with the federal law, AFSCME PEOPLE will accept contributions only from members of AFSCME and their families. Contributions from other persons will be returned. Contributions or gifts to AFSCME PEOPLE are not deductible as charitable contributions for federal income tax purposes.

C Your Temporary AFSCME Membership Card**Our Mission**

We advocate for excellence in services
for the public, dignity in the workplace, and
opportunity and prosperity for all workers

Retain the card to the left as your proof of membership until your permanent card arrives. Note the number on the card is for reference only and is NOT your official AFSCME member number.

EXHIBIT B

TO ALTENDORFER DECLARATION

Todd,Marcus Fisher

Person ID 01166801

Company SMN State of Minnesota

General Deduction

Find | View All First ④ 1 of 1 Last

*Deduction Code UNCNL6



AFSCME Council 5 Union Dues

**Deduction Details**

Find | View All First ④ 1 of 18 Last

*Effective Date 04/26/2021

 Take on all Paygroups

*Calculation Routine Flat Amount

 Ded stopped by Self Serv User

Deduction End Date 04/26/2021



Deduction Rate or %

Loan Interest %

Flat/Addl Amount \$29.06

Goal Amount

Current Goal Balance



This data was last updated by Online User

Data last updated on 04/27/2021

EXHIBIT C

TO ALTENDORFER DECLARATION

UnionWare

System Membership Finances Upay Cases Events Contracts Organizing AFSCMЕ Council 5 Docs

Close Home Reminders Recent Searches Favourites Library Membership Batches Cases

Edit Delete Batch Health Check Reports

Batch

State Dues Apr 27, 2021 - Complete

| | | | | |
|-------------------|--------------|--------------|--------------------------------|-------------|
| Batch Date | 04-27-21 | # of Records | 12071 | Next Output |
| Control Amount | \$403,110.05 | Balanced | Yes | |
| Calculated Amount | \$403,110.05 | Posted | Yes | |
| Variance | \$0.00 | File Format: | Fixed Length file with 292 cha | |

Posted Records Additional Info Batch Payments Notes Lists Documents History

Edit

| | | | |
|----------------------|----------|--------------------|------------------|
| Employer | STATE | | |
| Local | | | |
| Import Status | Complete | Import Date | 05-05-21 8:20 AM |
| Matching Status | Complete | Matching Date | 05-05-21 8:21 AM |
| Member Update Status | Complete | Member Update Date | 05-05-21 8:21 AM |
| Status Update Status | Complete | Status Update Date | 05-05-21 8:22 AM |
| Check Status | Not Done | Check Date | |
| Posting Status | Complete | Posting Date | 05-05-21 8:26 AM |
| Notes | | | |

EXHIBIT D

TO ALTENDORFER DECLARATION

Member Finance Report

TODD, MARCUS

UnionWare Member ID : 348187

Start Date: April 01, 2021

End Date: May 31, 2021

| Transaction Date | Amount | Type | Period | Year | Batch ID | Refund For |
|------------------|----------------|------|--------|------|----------|------------|
| 13-Apr-2021 | \$29.06 | DUES | APRIL | 2021 | 20515 | |
| | \$29.06 | | | | | |

\$29.06 Total for TODD, MARCUS